

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
7:23-CV-897

IN RE:)
)
CAMP LEJEUNE WATER LITIGATION) O R D E R
)
This Document Relates to:)
)
ALL CASES)
)

This matter is before the court on Plaintiffs' Leadership Group's ("PLG") motion to reconsider the order granting in part and denying in part Plaintiffs' motion to compel production of Agency for Toxic Substances and Disease Registry ("ATSDR") water modeling project file in native format ("Motion"). [DE-194]. Defendant opposes the motion. [DE-203].

The PLG previously filed a motion to compel production of certain ATSDR water modeling project files ("Modeling Files"). *See generally* [DE-142]. The parties represent that the Modeling Files consist of two tranches of files. First, certain "Exotic Modeling Files," e.g. Geographic Information System ("GIS") files and water modeling files, and all data subfiles those rely on. [DE-143] 8. Second, a "substantial amount of more standard ESI," such as PDFs and Word files, completely untethered to the Exotic Modeling Files ("Non-Exotic Files"). [DE-151-9] ¶ 19. In its previous motion, the PLG requested a "mirror image" of all Modeling Files as maintained by the ATSDR. *Id.* The court granted that motion in part, ordering that:

A. Defendant shall produce all Exotic Modeling Files natively in accordance with the relevant Production Specifications within 30 days of [that] order. *See* [DE-52-1] at ¶¶ 15, 17.

B. Plaintiffs' request that Defendant produce a "mirror image" of the Modeling Files is denied.

[DE-158] 9.

The PLG states that "Defendant has produced certain data related to the Modeling Files,

and the PLG has dedicated significant time and resources to reconstructing the project file.” [DE-194] 1. But “the PLG is unable to confirm whether it accurately rebuilt the ATSDR’s model without a ‘mirror image’ copy of the Modeling Files to confirm [its] accuracy.” *Id.*

The court believed it resolved this problem in its prior order by compelling native production of the Exotic Modeling Files and normal production of the Non-Exotic Files, all in accordance with the ESI Protocol. [DE-158] 9; [DE-52]; [DE-52-1]. However, the PLG maintains that issues remain. [DE-192].

The court requires a demonstration of the PLG’s continued issues with Exotic Modeling Files functionality before making a ruling. The PLG shall make a presentation *in camera* detailing the problems described in the Motion after the parties’ status conference on Thursday, May 16, 2024. Defendant may prepare questions to ask during that presentation.

SO ORDERED the 13th day of May 2024.



Robert B. Jones Jr.
United States Magistrate Judge